

**PRODUCT:** 26 cartons, each containing 12 bottles, of *Gum-Tone* at Fargo, N. Dak. Analysis showed that the product was a powder containing sodium perborate 18.9%, soda, salt, calcium carbonate, and riboflavin.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Gum-Tone \* \* \* Treatment for pyorrhea, gingivitis, bleeding gums, sore gums Massage gums and teeth twice daily for healthy oral conditions" were false and misleading since the article would not fulfill such promises of benefit.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

**DISPOSITION:** February 28, 1952. The owner of the product having agreed to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3697. Misbranding of Color-Therm device. U. S. v. 1 Device \* \* \*.**  
(F. D. C. No. 32458. Sample No. 55196-K.)

**LIBEL FIELD:** February 13, 1952, Western District of Oklahoma.

**ALLEGED SHIPMENT:** On or about October 14, 1948, by Fred Gerkey, from Mission, Kans.

**PRODUCT:** 1 *Color-Therm device* at Oklahoma City, Okla. The device consisted of tubes for producing colored lights similar to neon lights, together with electrical connections needed for operating them.

**LABEL, IN PART:** "Color Therm Dr. Fred Gerkey Mission, Kansas."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements appearing in the instruction sheet shipped with the device were false and misleading since they represented and suggested that the device was effective in the treatment of any disease condition and, in particular, disorders of the liver and eyes, female trouble, sinus trouble, asthma, and nervousness, whereas it was not effective for such purposes.

**DISPOSITION:** April 2, 1952. Default decree of condemnation. The court ordered that the device be delivered to the Food and Drug Administration for exhibit and educational purposes.

**3698. Misbranding of Howard Cabinet devices. U. S. v. 2 Devices, etc. (F. D. C. No. 29401. Sample No. 81190-K.)**

**LIBEL FILED:** July 14, 1950, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 24, 1950, by Mr. O's Products, from Huntington Park, Calif.

**PRODUCT:** 2 *Howard Cabinet devices* and 100 circulars entitled "The Howard Original Cabinet" at Bala-Cynwyd, Pa.

The device consisted of a masonite and plywood box or cabinet, which was closed with curtains equipped with a zipper. Holes in the curtains permitted the head and arms to remain outside the cabinet. The cabinet contained a chair, an electric heating unit, a blower, a pan to hold water, and a timing device.

**LABEL, IN PART:** "The Howard Original Cabinet Model 1700 FL."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned circulars which accompanied the devices were false and misleading. The statements represented and suggested that the device would